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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,380	12/28/2000	James B. Loveland	7927.132	6359

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 06/06/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,380

Applicant(s)

LOVELAND, JAMES B.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10, 13-15, 17, 18, 21, 22, 24, 25, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 13-15, 17, 18, 21, 22, 24, 25, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed May 16, 2003.

Claims 1-7, 10, 13-15, 17, 18, 21, 22, 24, 25, 28, and 29 have been amended.

Claims 8, 9, 11, 12, 16, 19, 20, 23, 26, 27, and 30-32 have been cancelled.

Claims 1-7, 10, 13-15, 17, 18, 21, 22, 24, 25, 28, and 29 are pending.

2. The previously pending objection to the declaration is withdrawn in response to Applicant's submission of a corrected substitute declaration.

The previously pending rejections under 35 U.S.C. 112, 2nd paragraph are withdrawn in response to Applicant's amendment of the claims.

Response to Arguments

3. Applicant's arguments filed May 16, 2003 have been fully considered but they are not persuasive.

Applicant's arguments rely on the assertion that all claimed data and intended use merit patentable weight (pages 11-12 of Applicant's Response); however, these differences between the prior art and the claimed invention are still only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not

distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Further, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). The claimed recitations of intended use still neither result in a structural difference between the claimed invention and the prior art nor in a manipulative difference as compared to the prior art; therefore, the claimed invention is not deemed to be patentably distinct over the prior art.

Applicant's arguments are not sufficiently persuasive to overcome the pending art rejections; therefore, all rejections are maintained and reproduced below for Applicant's convenience. Please note that a new claim objection has been added to address the amendment to claim 4.

Claim Objections

4. Claim 4 is objected to because of the following informality:

Claim 4, line 3: Should "(iii)" be rewritten as "(ii)" instead since there are only two elements (i.e., structure and contents in said structure) in the corresponding list?

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 10, 13-15, 17, 18, 21, 22, 24, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al. (U.S. Patent No. 6,473,794) in view of Brown (U.S. Patent No. 5,794,216).

Guheen teaches an electronic repository for storing information and providing simultaneous, limited authorized access to users based on each user's specific granted access rights, wherein at least one type of information is stored so as to be distinct and conveniently searchable from another type of information. This electronic repository is available to network (e.g., Internet) users who may access, modify, and exchange information, based on each user's respective rights and assigns. *See at least column 76, lines 5-11; column 77, lines 49-57; column 78, lines 19-36; column 80, lines 27-32; column 90, lines 44-50; column 223, line 53 through column 224, line 2; column 261, lines 55-62.* Guheen does not expressly teach the storage and provision of the specific data recited in claims 1-7, 10, 13-15, 17, 18, 21, 22, 24, 25, 28, and 29; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural

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elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Guheen does not explicitly disclose a display (such as an electronic model with selectable elements) that allows a user to select items for which data is to be accessed; however, Brown makes up for this deficiency in his teaching of the display of an electronic model of a house. A user may select icons corresponding to different aspects of the house, such as floor plans, alternate views, and textual descriptions of the house (col. 6, lines 7-27; col. 71, line 62 through col. 8, line 5; col. 8, lines 37-52). Brown explicitly states, "By compiling the various types of multimedia information into a single database format, embodiments of the present invention are advantageous over the prior art with regard to ease of management and ease of communication of the multimedia information" (col. 2, lines 32-36). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Brown's access to database elements via items being represented as selectable elements (e.g., in an electronic model of a house), such as electronic links in the form of icons, with Guheen's centralized, networked database system in order to reap the benefits of Brown's "ease of management and ease of communication of the multimedia information."

Furthermore, Guheen does not expressly teach the step of linking its data storage system with outside databases to gather and store information on the data storage system (as per claims 14 and 24); however, Official Notice is taken that linking a first database to other databases to gather and store information on the first database is old and well-known in the database art. This technique facilitates the gathering and storage of otherwise disparately stored data of interest conveniently in one centralized database. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the step of linking the data storage system with outside databases to gather and store information on the data storage system with Guheen's invention in order to facilitate the gathering and storage of otherwise disparately stored data of interest conveniently in one centralized database.

7. Claims 1-7, 10, 13-15, 17, 18, 21, 22, 24, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (U.S. Patent No. 6,061,692) in view of Brown (U.S. Patent No. 5,794,216).

Thomas teaches an electronic repository for storing information and providing simultaneous, limited authorized access to users based on each user's specific granted access rights, wherein at least one type of information is stored so as to be distinct and conveniently searchable from another type of information. This electronic repository is available to network (e.g., Internet) users who may access, modify, and exchange information, based on each user's respective rights and assigns. *See at least column 5,*

lines 2-24; column 16, lines 31-48; column 22, lines 35-49; column 25, line 60 through column 26, line 7; column 28, lines 2-40; column 28, line 66 through column 29, line 30; claims 3, 4, 12, 16, 17, 28 of Thomas. Thomas does not expressly teach the storage and provision of the specific data recited in claims 1-7, 10, 13-15, 17, 18, 21, 22, 24, 25, 28, and 29; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Thomas does not explicitly disclose a display (such as an electronic model with selectable elements) that allows a user to select items for which data is to be accessed; however, Brown makes up for this deficiency in his teaching of the display of an electronic model of a house. A user may select icons corresponding to different aspects of the house, such as floor plans, alternate views, and textual descriptions of the house (col. 6, lines 7-27; col. 7, line 62 through col. 8, line 5; col. 8, lines 37-52). Brown explicitly states, "By compiling the various types of multimedia information into a single database format, embodiments of the present invention are advantageous over the prior art with regard to ease of management and ease of communication of the multimedia information" (col. 2, lines 32-36). Therefore, the Examiner asserts that it would have

been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Brown's access to database elements via items being represented as selectable elements (e.g., in an electronic model of a house), such as electronic links in the form of icons, with Thomas' centralized, networked database system in order to reap the benefits of Brown's "ease of management and ease of communication of the multimedia information."

Furthermore, Thomas does not expressly teach the step of linking its data storage system with outside databases to gather and store information on the data storage system (as per claims 14 and 24); however, Official Notice is taken that linking a first database to other databases to gather and store information on the first database is old and well-known in the database art. This technique facilitates the gathering and storage of otherwise disparately stored data of interest conveniently in one centralized database. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the step of linking the data storage system with outside databases to gather and store information on the data storage system with Thomas' invention in order to facilitate the gathering and storage of otherwise disparately stored data of interest conveniently in one centralized database.

8. Claims 1-7, 10, 13-15, 17, 18, 21, 22, 24, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. (U.S. Patent No. 5,862,325) in view of Brown (U.S. Patent No. 5,794,216).

Reed teaches an electronic repository for storing information and providing simultaneous, limited authorized access to users based on each user's specific granted access rights, wherein at least one type of information is stored so as to be distinct and conveniently searchable from another type of information. This electronic repository is available to network (e.g., Internet) users who may access, modify, and exchange information, based on each user's respective rights and assigns. *See at least column 6, line 49 through column 7, line 11; column 26, lines 36-45; column 45, line 65 through column 46, line 16; column 68, lines 14-22; column 69, line 27 through column 72, line 48; column 94, lines 33-58; column 129, line 12 through column 134, line 15; claims 51, 103, and 121 of Reed.* Reed does not expressly teach the storage and provision of the specific data recited in claims 1-7, 10, 13-15, 17, 18, 21, 22, 24, 25, 28, and 29; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).*

Reed does not explicitly disclose a display (such as an electronic model with selectable elements) that allows a user to select items for which data is to be accessed; however, Brown makes up for this deficiency in his teaching of the display of an

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electronic model of a house. A user may select icons corresponding to different aspects of the house, such as floor plans, alternate views, and textual descriptions of the house (col. 6, lines 7-27; col. 71, line 62 through col. 8, line 5; col. 8, lines 37-52). Brown explicitly states, "By compiling the various types of multimedia information into a single database format, embodiments of the present invention are advantageous over the prior art with regard to ease of management and ease of communication of the multimedia information" (col. 2, lines 32-36). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Brown's access to database elements via items being represented as selectable elements (e.g., in an electronic model of a house), such as electronic links in the form of icons, with Reed's centralized, networked database system in order to reap the benefits of Brown's "ease of management and ease of communication of the multimedia information."

Furthermore, Reed does not expressly teach the step of linking its data storage system with outside databases to gather and store information on the data storage system (as per claims 14 and 24); however, Official Notice is taken that linking a first database to other databases to gather and store information on the first database is old and well-known in the database art. This technique facilitates the gathering and storage of otherwise disparately stored data of interest conveniently in one centralized database. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the step of linking the data storage system with outside databases to gather and store information

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on the data storage system with Reed's invention in order to facilitate the gathering and storage of otherwise disparately stored data of interest conveniently in one centralized database.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.

SMD
Susanna M. Diaz
Patent Examiner
Art Unit 3623
June 4, 2003

[Signature]
**TARIO R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**